

CENTRAL VALLEY FLOOD PROTECTION BOARD
RESOLUTION NO. 2008-19
RESOLUTION REGARDING THE SUTTER BYPASS

WHEREAS, the Sutter Bypass is a part of the Sacramento River Flood Control Project; and

WHEREAS, the Central Valley Flood Protection Board (Board), formerly the Reclamation Board, is the non-federal sponsor for the Project; and

WHEREAS, it is part of the Board's mission to cooperate with federal and State agencies and local governments in operating and maintaining flood control works; and

WHEREAS, the Board has obtained flowage easements for the Sutter Bypass that give the Sacramento and San Joaquin Drainage District and its assigns the right to clear vegetation or other impediments as the Board deems necessary to permit the free flow of water through the Bypass for proper flood control operations; and

WHEREAS, Water Code section 8361 provides that the Department of Water Resources (DWR) shall maintain and operate the channel and portions of the east levee of the Sutter Bypass on behalf of the state, and

WHEREAS, local persons and entities have expressed concerns that vegetative growth in the Sutter Bypass may result in substantial obstruction of flows within the Bypass requiring maintenance to reduce such growth; and

WHEREAS, the Board conducted a site visit of the Sutter Bypass as part of its meeting in September, 2008, and

WHEREAS, some landowners in the Sutter Bypass may be unaware of the specific flowage easement language in favor of the Board that is appurtenant to the landowners' property,

NOW, THEREFORE, BE IT RESOLVED BY THE CENTRAL VALLEY FLOOD PROTECTION BOARD THAT:

1. The Board, in cooperation with DWR and local levee maintaining agencies, shall undertake to inform and educate all landowners in the Sutter Bypass regarding the flowage easements appurtenant to property in the Sutter Bypass and inform them of their duties and rights, and of likely activities of the Department of Water Resources regarding the enforcement thereof.

2. The Board directs staff and counsel to review flowage easements in the Sutter Bypass, with an emphasis on the areas where existing vegetative growth may present a problem.

3. The Board directs staff to review and provide comments, in coordination with DWR, on the United States Fish and Wildlife Service's Sutter National Wildlife

Refuge draft Comprehensive Conservation Plan and Environmental Assessment regarding potential impacts of land use and management within the Sutter National Wildlife Refuge on the carrying capacity of the Sutter Bypass.

4. The Board directs staff to work with DWR and the U.S. Army Corps of Engineers (Corps) to develop a two dimensional model to ascertain the impacts of vegetation and structures on the carrying capacity of the Sutter Bypass.

5. The Board directs staff and counsel to confer with DWR and the United States Army Corps of Engineers to determine the applicable design flows for the Sutter Bypass.

6. The Board directs staff to work with DWR and Corps to define adequate operations and maintenance for the Sutter Bypass.

PASSED AND ADOPTED by vote of the Board on _____, 2008

Benjamin F. Carter
President

Maureen (Lady Bug) Doherty
Secretary